

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 5th day of August, 2013 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
Phillip Hyatt Mayor Pro Tempore
Ramiro Gomez Council Member
Billy Ellis Council Member

ABSENT: Vickie Abrego Council Member

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
Sylvia Carrillo City Manager
Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines EMC/Admin Coordinator
Eric Blanchard Police Chief
Rickie Kilgore Fire Chief
Mike Holmes Building Official
Paul Alvarado Public Works Director
Donna Cox Municipal Court Judge
Sandy Roddel Finance Director
Jeff Martin I.T.

OTHERS PRESENT: Sandy Kubek, Jim & Alpha Covington, Lupe & Estella Torres, Don & Cynthia Payte, Lyle Beavers, Thomas Estes, Irwin & Pat Walters, Michael & Charrel Hart, George Featherstone, Mike Reeves, Mike & Bernie O’Grady, Cassandra O’Grady, Ernie & Olivia Torres, Cliff & Wendy Battle, LeeAnne Vaillette, Carol Salinas, Annita West, Capt. Chuck West, Ann Melton, Donald Brummett, Robert Stolt, Dan Edson, Sandy Keen, Sharon Seely, Tom Seeliger, Nick & Polly Mirkovich, Tim Gross, Mike & Jan Moore, Chance Hale, Steve Knight (TCEMS), Wayne Currie, Jim & Khali Murrell, Edward Villanueva, Rosemary Vega, Dorothy Morse, Barb Oxford, George Emmert, Nancy Moore, Joe Sebring, Kyle Alston, Steve & Stephanie Pham, Mathew Dabbs, Harold & JoAnn Hees, David Underbrink, Grant Erickson, Don Gillespie, Duke Stevens, Denal & Sharon Russell and Patsy Lawrence, J.P. Gonzales, James Hale, Angie Tiemann.

There may have been others present who did not sign in.

1. CALL MEETING TO ORDER.
Mayor Chapa called the meeting to order at 7:00 P.M. on August 5, 2013.
2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Mayor Chapa gave the invocation and led the Pledge of Allegiance to the United States Flag.

3. CONSENT AGENDA.

- A. CONSIDER AND ACT ON MINUTES OF JULY 15, 2013.
- B. CONSIDER AND ACT ON RESOLUTION NO. 2013-694 – A RESOLUTION AUTHORIZING TAX RESALE – 224 MCCLUNG.
- C. CONSIDER AND ACT ON RESOLUTION NO. 2013-695 – A RESOLUTION AUTHORIZING TAX RESALE – S. 10TH STREET.
- D. CONSIDER AND ACT ON RESOLUTION 2013-696 – A RESOLUTION AUTHORIZING TAX RE-SALE – 351 N. 12TH.
- E. CONSIDER AND ACT ON ORDINANCE NO. 2013-4039 – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, CHAPTER 26 – STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY; ARTICLE VII – SIGNS; DIVISION 3 – COMMERCIAL SIGNAGE, BY ADDING A SECTION TO BE NUMBERED SEC. 26-180 CONCERNING ELECTRONIC MESSAGE BOARDS; PROVIDING A REPEALER CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE.
- F. CONSIDER AND ACT ON ORDINANCE NO. 2013-4040 – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, BY AMENDING CHAPTER 18 – OFFENSES AND MISCELLANEOUS PROVISIONS; SEC. 18-12 – ENTERING OR REMAINING ON CITY PREMISES WITH FIREARM; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Hyatt made a motion to approve the consent agenda. Council Member Ellis seconded the motion and the motion carried unanimously.

4. CITIZENS COMMENTS REGARDING BUDGET WORKSHOP HELD ON MONDAY, JULY 15, 2013, AND OTHER MATTERS WITH A LIMIT OF TWO MINUTES PER PERSON.

Mr. Irwin Walters, Pelican Cove Home Owners Association, discussed the need of replacing the security fence at Pelican Cove.

Mr. Don Payte, 109 Amberjack, stated his father S. G. "Gene" Payte, Marine Creek, was approached by City of Aransas Pass representatives to develop the vacant property now known as Pelican Cove. Mr. Payte stated in 1985 his father's goal was to develop a profitable tax base for Aransas Pass. He stated his father started with the Key Allego project (between Aransas Pass and Rockport) and wanted to design the first neighborhood protected by a sea gate. He stated his father accomplished the first neighborhood protected by sea gates 28 years ago and it was the first of its kind on the North American Continent known as Pelican Cove in Aransas Pass. Mr. Payte stated the Pelican Cove Home Owners Association and residents working with the City of Aransas Pass by keeping the sea gates, water system, sewer system, streets and security of the community intact. He stated the City of Aransas Pass must maintain the fence or replace it for security reasons. Mr. Payte stated he personally worked with City Manager Rick Ewaniszyck to build a fence blocking the view of the Aransas Pass Waste Water Treatment Plant (WWTP). He stated City Manager Ewaniszyck saw the need of the fence blocking the view of the WWTP so more lots would sell which meant more houses built and more tax base. He stated Marine Creek and the City of Aransas Pass each paid half for said fence. Mr. Payte stated before his father's death in 2010 his father had stated the City of Aransas Pass built the fence on Porpoise Drive in Pelican Cove and the City of Aransas Pass should maintain said fence. Mr. Payte stated he would like to give the City of Aransas Pass a copy of sight plans, easements, lots and

street descriptions of Pelican Cove to be kept with city records as a gift to the City of Aransas Pass. He stated the records also included a copy of the 1982 plat showing proposed usage of the property by the city before Marine Creek was invited to participate in Aransas Pass' future.

Ms. Nancy Moore, corner of Amberjack and Porpoise, stated her house was the first house coming into Pelican Cove. She stated a wood privacy fence would last a good 15 years by vinyl fences had a lifetime guarantee.

Mr. Sandy Kubek stated he pays taxes in Aransas Pass and there were old houses that could be torn down with the money it would cost to replace the Pelican Cove privacy fence.

Ms. Carol Salinas stated the City of Aransas Pass had an ordinance stating the city could not use money toward private development.

Mr. Joe Sebring stated the privacy fence held value to Aransas Pass. He stated if property value went down, the City stands to lose money.

Ms. Cassandra O'Grady stated she lived with her grandparents in Pelican Cove and worried about them. She stated she would worry less if the City would fix the fence.

Ms. Polly Mirkovich stated the fence in Pelican Cove was part of the design and City should replace the fence.

Mr. Lyle Beavers, 415 Porpoise, stated the railroad track was a bike trail to the Aransas Pass Aquatic Center.

Mr. Edward Villanueva, 109 Sailfish, stated he was concerned about the fence in Pelican Cove. He stated it was City owned property and the City needed to find the money to fix the fence.

Mr. Tim Legross stated he paid \$12,000 a year in taxes and does not like to leave his gate and view a third world country.

Mr. Hayes stated if the City doesn't take care of their (City's) property, the City's tax base would fold.

Mr. Marvin Smart, cul-de-sac in Pelican Cove, stated his property already had two reports of theft.

Mr. Dan Edson stated the fence was City property and the City should take care of it.

5. CONSIDER AND ACT ON A LONG TERM CONN BROWN HARBOR LEASE AGREEMENT WITH STEPHANIE PHAM D/B/A THE BAIT SHACK.

Ms. Stephanie Pham stated she would like her husband, Steve Pham, to speak on her behalf.

Mr. Pham stated Stephanie would like to have a long term lease so she could make improvements to the building and parking lot that she was leasing on Conn Brown Harbor.

City Manager Carrillo stated Mr. & Mrs. Pham drew up a plan but she (City Manager Carrillo) does not agree with the whole plan. She stated Ms. Pham would like a transferable lease and City Manager Carrillo does not want the City of Aransas Pass to lose control of the lease.

Mr. Pham stated if City Council approved the long term lease, they could pour concrete for the drive way as soon as possible.

Council Member Hyatt made a motion to approve a long term Conn Brown Harbor Lease with Ms. Stephanie Pham d/b/a The Bait Shack, non-transferable. Council Member Ellis seconded the motion and the motion carried unanimously.

6. **CONSIDER AND ACT ON TERMINATION OF CONN BROWN HARBOR LEASE WITH MR. ROBERT COHEN D/B/A SEAFOOD MARKET FOR VIOLATION OF HARBOR LEASE AGREEMENT PARAGRAPH NO. 12: ASSIGNMENT OF SUBLETTING.**

City Manager Carrillo stated the original lease was under Mr. Harold Webster and Mr. Robert Cohen assumed Mr. Webster's lease in June 2007. She stated Mr. Cohen violated his lease by subletting his building without City Council approval.

Mayor Pro Tem Hyatt made a motion to terminate Mr. Robert Cohen's Conn Brown Harbor Lease d/b/a Seafood Market for violation of Harbor Lease Agreement Paragraph No. 12: Assignment of Subletting. Council Member Ellis seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON AMENDMENT TO MR. ROLAND PENA'S FACILITY LICENSE AGREEMENT. (SOFTBALL FIELDS)**

City Manager Carrillo stated Mr. Roland Pena had a Facility License Agreement with the City of Aransas Pass for the Aransas Pass Softball Fields. She stated Mr. Pena rents the softball fields on Tuesday's and Wednesday's for \$400.00 per month. She stated Mr. Pena would like to add Friday's to his agreement. She stated Mr. Pena would rent the fields on Tuesday's, Wednesday's and Friday's at \$600.00 per month.

Mayor Pro Tem Hyatt made a motion to approve amending Mr. Roland Pena's Facility License Agreement (Softball Fields) by adding Friday's to his agreement and charging \$600.00 per month. Council Member Gomez seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON AUTHORIZING NAISMITH ENGINEERING TO COMPLETE THE 2012 TEXAS DEPARTMENT OF AGRICULTURE – WATERLINE EXTENSION FROM NORTH 7TH STREET TO NORTH 13TH STREET AND WEST MATLOCK AVENUE.**

City Manager Carrillo stated Agenda Item No. 8 came before City Council eight months ago and the item was passed on. She stated the City was behind schedule, the grant is a force account, grant was a budgeted account and that she (City Manger Carrillo) recommended Naismith continuing with the project.

Council Member Ellis made a motion to approve Naismith Engineering to complete the 2012 Texas Department of Agriculture – waterline extension from North 7th Street to North 13th Street and Matlock Avenue. Council Member Gomez seconded the motion and the motion carried unanimously.

9. **CONSIDER AND ACT ON AMENDING THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS, CHAPTER 18 – OFFENSES AND MISCELLANEOUS PROVISIONS, BY ADDING ARTICLE VI – ALARM SYSTEMS.**

Police Chief Eric Blanchard spoke to City Council on the many false alarms the Police Department receives on fire and burglar alarms. He stated he would like to amend the Code of Ordinances of the City of Aransas Pass Chapter 18 – Offenses and Miscellaneous Provisions by adding a section – Alarm Systems. He stated he would also like to get the word out on the amendment so there won't be any surprises.

Mayor Pro Tem Hyatt made a motion to approve amending the Code of Ordinances of the City of Aransas Pass, Texas, Chapter 18 – Offenses and Miscellaneous Provisions, by adding section – Alarm Systems. Council Member Ellis seconded the motion and the motion carried unanimously.

10. CONSIDER AND ACT ON TAX RE-SALE PROPERTY:

- A) SUIT NO.T-254-C; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, CITY OF ARANSAS PASS AND ARANSAS COUNTY VS. LARRY G. EVERETT, ET AL, ACCT. NO. R14192; LOT 11, BLOCK 214, BURTON AND DANFORTH SUBDIVISION, AN ADDITION IN ARANSAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGES 62-63, PLAT RECORDS OF ARANSAS COUNTY TEXAS. PROPERTY LOCATED AT 1219 W. MOORE AVE.

Council Member Ellis made a motion to approve the bid \$32,442.64 from Mr. Robert Sherman and Ms. Cheryl Sherman for Suit No. T-254-C; Aransas Pass Independent School District, City of Aransas Pass and Aransas County vs Larry G. Everett, et al, Acct. No. R14192; Lot 11, Block 214, Burton and Danforth Subdivision, an addition in Aransas County, Texas. Property located at 1219 W. Moore Ave. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

- B) SUIT NO. S-07-1208-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, SAN PATRICIO COUNTY AND CITY OF ARANSAS PASS VS. MARIO DAVILA, ET AL, TRACT NO. 2: ACCT. NO. 0011-0258-0010-000; LOT 10, BLOCK 258, ORIGINAL TOWNSITE, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY LOCATED ON S. 9TH STREET.

Mayor Pro Tem Hyatt made a motion to approve the bid of \$1,500.00 from Next Lots 4, LLC for Suit No. S-07-1208-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. Mario Davila, et al, Tract No. 2: Acct. No. 0011-0258-0010-000; Lot 10, Block 258, Original Townsite, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of San Patricio County, Texas. Property located on S. 9th Street and \$1,500.00 for Suit No. S-07-1208-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. Mario Davila, et al, Tract No. 2: Acct. No. 0011-0258-0011-000; Lot 11, Block 258, Original Townsite, City of Aransas Pass, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 41, Map Records of San Patricio County, Texas. Property located on S. 9th Street. Council Member Ellis seconded the motion and the motion carried unanimously.

- C) SUIT NO. S-07-1208-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, SAN PATRICIO COUNTY AND CITY OF ARANSAS PASS VS. MARIO DAVILA, ET AL, TRACT NO. 2: ACCT. NO. 0011-0258-0011-000; LOT 11, BLOCK 258, ORIGINAL TOWNSITE, CITY OF ARANSAS PASS, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 41, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS. PROPERTY LOCATED ON S. 9TH STREET.

Approved under agenda item 10 (B).

11. CONSIDER AND ACT ON PROCEEDING WITH HARBOR MOVIE NIGHTS AT ARANSAS PASS CONN BROWN HARBOR PARK.

City Manager Carrillo stated she would like to proceed with Harbor Movie Nights which would consist of showing movies and selling popcorn, pickles, glow in the dark items, etc. She stated the money could be used for funding the 2014 Guns and Hoses Harborfest.

Council Member Ellis made a motion to approve Harbor Movie Nights at Aransas Pass Conn Brown Harbor Park. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

12. **CONSIDER AND ACT ON EXTENDING TERMS OF SERVICE FOR ALL BOARD AND COMMISSION MEMBERS BY 60 DAYS TO ALLOW AMPLE TIME TO RECEIVE APPLICATIONS.**

Mayor Pro Tem Hyatt made a motion to extend terms of service for all Board and Commission Members by 60 days to allow ample time to receive applications. Council Member Gomez seconded the motion and the motion carried unanimously.

13. **CONSIDER AND ACT ON CREATION OF A HARBOR COMMISSION BOARD.**

Passed on.

14. **CONSIDER AND ACT ON CREATION OF BUILDING STANDARDS BOARD, SEPARATE AND APART FROM ARANSAS PASS CITY COUNCIL.**

Mayor Pro Tem Hyatt made a motion to approve the creation of Building Standards Board, separate and apart from Aransas Pass City Council. Council Member Ellis seconded the motion and the motion carried unanimously.

15. **PRESENTATION OF REPUBLIC SERVICES REPRESENTATIVE MR. MIKE REEVES.**

Mr. Mike Reeves, Republic Services Representative, spoke to City Council on 3rd party cart management, missed refuse pick-ups, commercial overloads, current brush pile at transfer station, roofing debris at transfer station, the Consumer Price Index, Republic Services partnering with the City of Aransas Pass on demolishing 5 homes, and waiving the 2013 residential and commercial CPI increase if the City renews their service contract early.

16. **CITY MANAGER UPDATES: PLANNING AND ZONING TRAINING BY MS. ANN BAGLEY, CITY OF DALLAS, TEXAS. CITY PLAN COMMISSIONER DISTRICT NO. 7.**

City Manager Carrillo stated she would like to have Ms. Ann Bagley, City of Dallas, Texas City Plan Commissioner District No. 7, train the City of Aransas Pass Planning and Zoning Commission. She stated she would like to have Ms. Bagley speak to the Planning and Zoning Commission on Monday, September 9, 2013.

City Manager Carrillo stated the City of Aransas Pass would be hosting the TML Region 11 Quarterly Meeting and the theme would be "gone fishin"

17. **ADJOURNMENT OF MEETING.**

Council Member Ellis made a motion to adjourn the meeting. Council Member Gomez seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the meeting at 8:55 P.M.

Adan Chapa, Mayor

Attest:

Yvonne Stonebraker, City Secretary